

## Request for Council Action

Originator Engineering	Item <b>Authorize and Direct Staff to Set Just Compensation, Make Offers, Hire Outside Counsel, and Approve Eminent Domain Resolution for Nokomis-Minnesota River Trail</b>
Agenda Section Consent Business	Date 8/15/2016

### Description

The City Council approved the “Cooperative Local Bike and Pedestrian Connection Agreement” with Three Rivers Park District (TRPD) on January 27, 2014. The agreement sets out the cooperation and cost sharing for the second phase of the Nokomis-Minnesota River Regional Trail (formerly called the Intercity Regional Trail). This section of trail will be constructed on the west side of Old Cedar Avenue South from East 86<sup>th</sup> Street to East Old Shakopee Road. A preliminary layout is enclosed.

Three Rivers Park District (TRPD) and their consultants have begun the acquisition of the easements needed for the trail and are finalizing the construction plans. TRPD will construct the trail and will negotiate with the property owners for the easement acquisitions. The City will maintain the trail after it is constructed.

TRPD has set Just Compensation amounts for the acquisition of the easements. The use of eminent domain may be necessary to ensure the easement rights are obtained to meet the project schedule. The easements are being acquired with the City as the benefiting party; therefore the City would act as the condemning authority. The parcel sketches showing the parcels from which interests are to be acquired are Exhibit A of the enclosed resolution.

The City Council is requested to approve the “Just Compensation” figures set by TRPD and authorize staff to approve the offers to property owners for the easement acquisitions required for the Nokomis-Minnesota River Regional Trail.

Council is also requested to authorize the hiring of outside counsel to handle legal activities associated with this project.

The City Council is also requested to approve the attached eminent domain resolution authorizing and directing the use of eminent domain proceedings as necessary to acquire the permanent and temporary easements needed for the the Nokomis-Minnesota River Regional Trail. This resolution has been reviewed and approved by Legal.

Prepared by: Steve Jorschumb, City Land Surveyor  
Presented by (if needed): Shelly Hanson, City Engineer

### Requested Action

Staff recommends approval to: set “Just Compensation” figures, make offers to all affected property owners, to hire outside counsel, and to approve Eminent Domain Resolution for the Nokomis-Minnesota River Regional Trail.

### Attachments:

Trail Layout  
Just Compensation  
Resolution with Easement Descriptions